

Ribble Valley Borough Council
Development Control
Council Offices Church Walk
Clitheroe
Lancashire
BB7 2RA

Our ref: NO/2012/103478/01-L01
Your ref: 3/2012/0179
Date: 05 April 2012

Dear Sir/Madam

**OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT FOR THE
ELDERLY, COMPRISING OF 38 BUNGALOWS AND 40 RETIREMENT
APARTMENTS
LAND AT ACCRINGTON ROAD, WHALLEY, CLITHEROE**

Thank you for referring the above application which was received on 13 March 2012.

We OBJECT to the proposed development as submitted on the following grounds:-

Flood Risk

The site lies within Flood Zone 2, which is defined by the National Planning Policy Framework Technical Guidance as having a medium probability of flooding. The application is accompanied by a Flood Risk Assessment (FRA) by PSA Design (dated 14 February 2012; reference T1528-D-01).

We have reviewed the FRA as submitted and the recommendations to minimise the risk of flooding are not acceptable for the following reasons:-

- 1) Finished Floor levels are recommended to be set 600mm above flood level and the surrounding land raised to 150mm below the finished floor level. This will infill the floodplain and increase the risk of flooding elsewhere.
- 2) The compensatory flood scheme proposes to excavate a basin parallel to the river. This is not acceptable because this will already be full of water when the peak flood occurs. Also, there is no outlet to the basin and it will fill with rainwater.
- 3) The River Calder is a designated Main River as defined by the terms of the Water Resources Act 1991 and the Land Drainage Byelaws. As such, our prior written Consent is required to plant any trees or shrubs within 8 metres from the

top of the riverbank, and in this particular instance Consent would not be granted.

The Environment Agency has a right of entry to the River Calder by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must contact Colin Worswick at 01772 714259 to discuss our access requirements and apply for Consent.

Foul Drainage

The proposed development is in an area served by the public sewer and the FRA submitted with the application considers foul drainage from the site. There are known foul drainage capacity issues that affect Whalley, but the FRA indicates that if these problems cannot be overcome to allow the site to connect to the public main system, foul sewage could be treated via an on-site package treatment plant.

Priority should be given to development that does not require major investment in new infrastructure and it should be located where there is spare capacity in the existing waste water treatment and sewer capacity. Development in areas where the existing infrastructure cannot accommodate additional flows should be phased to coincide with new infrastructure provision. If it is not possible to upgrade or improve the infrastructure to accommodate the development, the suitability of the site should be questioned.

The proposed means of foul drainage should be in accordance Circular 03/99 'Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development'. The responsibility for demonstrating that a new development is effectively served by a sewerage system rests with the developer, and if it is considered that the proposed method of foul drainage would give rise to significant environmental, amenity or public health problems in any area, this would be sufficient to justify a refusal of a planning application.

We will not normally grant an Environmental Permit for a private sewage treatment system where it is reasonable to connect to the public foul sewer. A new discharge may have a detrimental impact upon water quality and therefore risk failure to meet the statutory water quality objectives under the Water Framework Directive. Where a developer proposes non-mains drainage in a publicly-sewered area, they would need to undertake the following:-

- 1) Formally approach the sewerage undertaker regarding a connection under Section 98 or Section 106 of the Water Industry Act (WIA) 1991, as appropriate.
- 2) Serve notice for connection under Section 98 or Section 106 of the WIA 1991 if the sewerage undertaker has refused connection.
- 3) Provide details of the reasons given by the sewerage undertaker if it has refused connection under Section 106 of the WIA 1991 and confirmation that they have appealed against this decision; OR

Provide details of the undertakings, security and payment required by the sewerage undertaker under Section 98 of the WIA 1991. They must provide these together with confirmation that the applicant considers these to be

reasonable and does not intend to appeal against them

- 4) Demonstrate that it is not reasonable to connect to the public foul sewer.
- 5) Where it is not reasonable to connect to the public foul sewer, demonstrate that they have considered requesting that the sewerage undertaker adopt their proposed system.

If an Environmental Permit is granted and United Utilities refuses to adopt the private works, the developer must establish an effective management system for running the plant.

If you are minded to approve this application despite our objections, please could you inform us of your intentions and allow us the opportunity to make further representations.

A copy of this letter has been sent to the applicant/agent.

Yours faithfully

Philip Carter
Planning Liaison Officer

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Direct fax 01772 697032

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cc Janet Dixon Town Planners Ltd